REMARKS

Applicant appreciates the thorough review by the Examiner. Claims 1-31 and 34-40 are currently withdrawn from consideration after the Examiner's Restriction Requirement. The Examiner rejected claims 32 and 33 under the provisions of 35 U.S.C. § 102 as being anticipated by both U.S. Patent No. 5,307,614, issued to Nabeshima et al. (hereinafter "Nabeshima" or "the Nabeshima patent") and U.S. Patent No. 4,610,131, issued to Eschenbach et al. (hereinafter "Eschenbach" or "the Eschenbach patent"). Applicant respectfully requests reconsideration of the Examiner's rejections because Applicant respectfully submits that both Nabeshima and Eschenbach fail to teach or disclose every element of the rejected claims. Claim 32 includes, for example, the element of "depositing the bundled textured yarn onto a conveyor belt." As discussed in more detail herein, the cited references do not disclose or suggest a conveyor belt onto which a bundle of textured yarn is deposited. Therefore, Applicant respectfully submits that claims 32-33 are in condition for allowance as they are not anticipated by either Nabeshima or Eschenbach.

Nabeshima and Eschenback Fail to Anticipate the Claimed Invention

In order to anticipate Claims 32 and 33, the cited art must disclose each and every limitation, by a preponderance of the evidence, in order to reject a claim under the provisions of 35 U.S.C. § 102. *See* MPEP 706.02. Claim 32 includes the element of "depositing the bundled textured yarn onto a conveyor belt." Therefore, the cited references must at least disclose the step of "depositing the bundled textured yarn onto a conveyor belt" in order to properly anticipate Claim 32. Because Claim 33 is dependent from Claim 32, Claim 33 also is not anticipated without such a showing.

With respect to the Nabeshima patent, after yarn A and B are woven or interlaced with interlacing nozzle 7, the interlaced yarn passes through a pair of rollers 11 or 11' prior to being

taken up by a take-up device 12. *See* the Nabeshima patent (Col. 9: ll. 33-48; Col. 9: ln. 62 – Col. 10: ln. 7; Figures 3 and 4). The Examiner alleged that the pair of rollers 11 (and rollers 11') are a conveyor because they conveyed the yarn downstream. Nabeshima fails to disclose or suggest a conveyor belt, and more specifically Nabeshima also fails to disclose or suggest the step of depositing the bundle of yarn onto a conveyor belt. Accordingly, Applicant respectfully submits that for at least this reason, Claims 32 and 33 are patentable over Nabeshima.

With respect to the Eschenbach patent, after embedding effect yarn 14 within the spaced slots 16 of the core yarn 12 with the air texturing and entangling jet 48 to form the boucle novelty yarn 10 shown in Eschenbach's Figure 1, the boucle yarn 10 passes through a pair of rollers or rolls 67,69 prior to being taken up by a take-up package 70. *See* the Eschenbach patent (Col. 1: ll. 29-37; Col. 2: ll. 7-16; Col. 2: ll. 37-48; Figures 1, 3 and 4). The Examiner alleged that the pair of rollers 67,69 were a conveyor because they conveyed the yarn downstream. Eschenbach fails to disclose or suggest a conveyor belt, and more specifically Eschenbach also fails to disclose or suggest the step of depositing the bundle of yarn onto a conveyor belt. Accordingly, Applicant respectfully submits that, for at least this reason, Claims 32 and 33 are also patentable over Eschenbach. Therefore, because both Nabeshima and Eschenbach fail to teach or suggest depositing yarn onto a conveyor belt, Applicant respectfully submits that Claims 32-33 are in condition for allowance, and respectfully requests that the Examiner remove the rejections of based upon the cited art.

Moreover, with respect to Eschenbach, Applicant respectfully submits that Eschenbach fails to disclose the steps of "crimping yarn to define textured yarn" and "bundling the textured yarn to define bundled textured yarn" as included in Claim 32. The Examiner alleged that texturing the effect yarn 14 with air jet 30 "inherently produces some crimp in the yarn."

Applicant respectfully disagrees. Texturing yarn does not necessarily mean that the yarn is being crimped. The curled, looped, bunched or crimped effect attributable with the boucle novelty yarn 10 produced in Eschenbach is due to the embedding of the effect yarn 14 in the spaced points 16 of core yarn 12. *See* Figure 1 of the Eschenbach patent. Moreover, Applicant respectfully submits that embedding the effect yarn 14 into the core yarn 12 to create the popular novelty boucle yarn 10 is not bundling the yarn, but rather securing the effect yarn 14 and core yarn 12 together as the finished popular novelty boucle yarn 10. Accordingly, Applicant respectfully submits that for these additional reasons the Eschenbach patent fails to anticipate Claims 32 and 33.

Furthermore, with respect to the Nabeshima patent, Applicant respectfully submits that Nabeshima fails to disclose the step of "bundling the textured yarn to define bundled textured yarn" that is included in Claim 32. The Examiner alleged that the Nabeshima interlacing nozzle 7 satisfies this step. Applicant respectfully disagrees. The composite yarns A,B of Nabeshima are not bundled to define a bundle of textured yarn. Rather, the composite yarns A,B are interlaced to form a woven fabric according to the Nabeshima invention. As stated in Nabeshima, "[t]he present invention relates to a composite crimped yarn comprising at least two kinds of monofilament yarns and a woven fabric prepared therefrom." *See* the Nabeshima patent (Col. 1: ll. 6-8). Nabeshima also states that the Nabeshima method includes the steps of "doubling two kinds of undrawn yarns..., subjecting the doubled yarns to false twisting and forming a woven fabric from the resultant composite yarn...." *See* the Nabeshima patent (Col. 1: ll. 39-47). Nabeshima also states that stretching and false twisting of the yarns A,B is done between the rollers 6 and 11 to provide composite yarn which is then interlaced (or woven) by means of an interlacing nozzle 7," and also describes the "present invention" of the Nabeshima

patent as "the above-described woven fabric according to the present invention." *See* the Nabeshima patent (Col 10: ll. 1-15, ll. 34-69). Because the Nabeshima patent discloses creating a woven fabric with the interlacing nozzle 7, Applicant respectfully submits that the Nabeshima patent fails to disclose the step of "bundling the textured yarn to define bundled textured yarn" included in Claims 32 and 33. Accordingly, Applicant respectfully submits that for at least this additional reason the Nabeshima patent fails to anticipate Claims 32 and 33.

New Claims 41-48 are Patentable Over the Cited References

New Claims 41-44 all include elements pertaining to the crimping yarn step, which elements Nabeshima and Eschenbach fail to disclose. Neither Nabeshima nor Eschenbach disclose or suggest stuffing the yarn to be crimped into a stuffing container, as included in claim 41. Neither reference discloses continuously collecting and periodically releasing the yarn in a crimped position to thereby define the textured yarn, as included in claim 42. Both references also fail to disclose both stuffing the yarn into a stuffing container and then periodically releasing the yarn in a crimped position to thereby define the textured yarn, according to claim 43. Likewise, Nabeshima and Eschenbach also fail to disclose both stuffing the yarn into a stuffing container and then periodically releasing the yarn in a crimped position to thereby define the textured yarn, and timingly opening a closure associated with the stuffing container in order to periodically release the yarn in a crimped position, as is required pursuant to claim 44. Therefore, in addition to being patentable because Claims 41-44 depend from allowable Claims 32, Claims 41-44 are also patentable because they each contain elements that are not shown or suggested in either Nabeshima or Eschenbach.

Claim 45 is patentable over the cited references because it includes novel elements for both the crimping step as well as the bundling step. Nabeshima and Eschenbach both fail to

teach stuffing the yarn into a stuffing container and then periodically releasing the yarn in a crimped position to thereby define the textured yarn, timingly opening a closure associated with the stuffing container in order to periodically release the yarn in a crimped position, and wherein the step of bundling the textured yarn comprises twisting the textured yarn and thereby pulling the textured yarn from the stuffing container. Therefore, in addition to being patentable because Claim 45 depends from allowable Claim 44 and indirectly from Claim 32, Claim 45 is also patentable because it each contains elements that are neither shown nor suggested in either of the cited references.

New Claims 46-47 also include elements pertaining to the bundling of the textured yarn step of Claim 32 that are not disclosed in the Nabeshima and Eschenbach patents. For example, neither of the cited references include that the bundling of the textured yarn comprises twisting a mass of textured yarn, as included in Claim 46. Rather, as discussed above herein, Nabeshima interlaces the yarn to form the woven fabric of the Nabeshima patent, and Eschenbach embeds the core yarn 12 with the effect yarn 14 to form the novelty boucle yarn 10. Moreover, neither of the references disclose twisting the textured yarn as part of the bundling step to enhance grouping of the textured yarn for depositing on the conveyor belt, as included in Claim 47. Therefore, in addition to being patentable because Claims 46 and 47 depend from allowable Claim 32, Claims 46 and 47 are also patentable because they each contain elements that are neither shown nor suggested in either of the cited references.

Claim 48 also includes that during the step of compressing the bundled textured yarn, the bundled textured yarn is compressed against the conveyor belt. The Examiner cited Nabeshima rollers 8 and 11, and Eschenbach roller pairs 72,74 and 76,78 as elements that would "inherently provide at least some degree of pressure to the yarn, resulting in at least some degree of

compression." While Applicant respectfully disagrees that Nabeshima and Eschenbach disclose the compressing step of Claim 33, Applicant submits that neither Nabeshima nor Eschenbach disclose compressing the bundled textured yarn against a conveyor belt. Because compressing the bundled textured yarn against the conveyor belt onto which the bundled textured yarn is deposited is not shown or suggested by the Nabeshima and Eschenbach patents, Applicant respectfully submits that for at least this additional reason Claim 48 is patentable over the cited references.

In commenting upon the Examiner's objections herein in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the Examiner's arguments and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitation in the claims. Not all of the distinctions between the Examiner's objections and Applicant's present invention have been made by Applicant. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be novel, unobvious, and patentable over the prior art of Examiner's objections, including without exception those in the most recent office action and previous office actions.

The foregoing remarks are intended to assist the Examiner in re-evaluating the application and in the course of explanation may employ shortened or more specific variants descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facts of the invention, which render it

patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

CONCLUSION

In view of the remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Respectfully submitted,

Date: September 13, 2006

Christopher D. Northcutt, Reg. No. 55,908
BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77002
Direct: 713/221-1533
Direct Fax: 713/437-5324

and

Jeffrey Whittle, Reg. No. 36,382
BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77208-1389
Telephone: (713) 221-1185
Facsimile: (713) 221-2141
ATTORNEYS FOR APPLICANT